

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4788 of 2016

Kamal Narayan Nagarchi, S/o Raja Ram Nagarchi, Aged About 46 Years, Presently Posted And Working As Patwari P.H. No 15, Majwani, Tahsil Kota, District Bilaspur, Chhattisgarh

R/o Mahamaya Para, Ratanpur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department of Revenue & Disaster Management, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG).
2. Collector (Land Record Branch), Bilaspur, District Bilaspur (CG).
3. Sub Divisional Officer (Revenue), Kota, District Bilaspur (CG).
4. Tahsildar, Kota, District Bilaspur (CG).

---- Respondent

For petitioner - Shri Rajeev Shrivastava, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/09/2016

1. As per the case of the petitioner, petitioner was working at Majwani PH No.15 wherein he was transferred by an order dated 12/07/2016 to PH No. 33 at Kota. Subsequently, it was revealed that another transfer order was existing on the same date 12/07/2016 wherein the petitioner has been shown to have been transferred from PH No.38, Khaira to Pandkhuri PH No.1 at Pendra though he was never posted at PH No.38 at Khaira wherefrom he was shown to be transferred. Subsequently, another modified order was passed wherein petitioner was transferred from Majwani to Pandkhuri on 29/08/2016 which needs to be arrested.
2. Learned counsel for the petitioner submits that initially the petitioner when he wanted to join at his place of transfer to Kota, which is the correct transfer order, wherein he was shown to have been posted at Majwani he could not do so as on same day another defective transfer order dated 12/07/2016 was existing, wherein the petitioner was shown to be posted at

Khaira. Consequently, first order should have been given effect and the subsequent modified order is bad in law.

3. Perused the documents. The document would show that the petitioner was initially transferred from Majwani wherein he is posted, and he was transferred to PH No.33 at Kota by an order dated 12/07/2016. Subsequently, as has been shown petitioner was shown to have been transferred from Khaira to Pandkhuri though petitioner was never posted at Khaira itself. The earlier transfer order stood modified by an order dated 29/08/2016 and the petitioner has been shown to have been transferred from Majwani to Pandhhuri. Further considering the fact that petitioner had not joined the initial place of posting at Kota, the initial transfer it cannot be termed as frequent transfer as initial transfer order stood modified by the impugned order dated 29/08/2016 and in the intervening period if any wrong transfer order showing place of posting of the petitioner to other place was issued it will not create right in favour of the petitioner. Facts as would disclose that the petitioner is still working at Majwani wherefrom he has been transferred to Pandkhuri. It is trite law that employee cannot claim any place of posting to his choice to discharge his duty. Prima facie modified order of transfer do not appear to be out come of any malafide rather it appears that the transfer order was corrected before the petitioner took charge over at the transferred place. The transfer being incident of service, it is within the domain of employment and it is the right of employer to place the employee any place which is proper according to the administrative exigency of as may have prevailed.

4. Considering the facts of this case, I am not inclined to interfere with the impugned order and accordingly the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

